

# United States Court of Appeals For the First Circuit

Nos. 19-1434  
20-1057

CITIBANK, N.A., not in its individual capacity  
but solely as separate trustee for PMT NPL FINANCING 2015-1,

Plaintiff/Counter-Defendant - Appellee,

v.

RENEE ANNA NAJDA; ANDREW NAJDA,

Defendants/Counter-Plaintiffs - Appellants,

CITIMORTGAGE, INC.; PENNYMAC LOAN SERVICES, LLC; PENNYMAC, CORP.;  
SPECIALIZED LOAN SERVICING LLC,

Counter-Defendants - Appellees,

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,

Counter-Defendant,

ANY AND ALL OCCUPANTS,

Defendant.

Before

Lynch, Selya and Kayatta,  
Circuit Judges.

## ORDER OF COURT

Entered: December 30, 2022

These consolidated cases came to be heard on appeal from the United States District Court  
for the District of Massachusetts.

Upon consideration whereof, it is now ordered that the matter be remanded to the district court for further fact finding and a determination whether there was minimal or complete diversity between the parties at the time the action was commenced; the matters of both constitutional diversity and statutory diversity should be addressed. The district court shall report its findings and conclusions to this court, in written form, within sixty days of this order. This court retains jurisdiction over the appeal.

The pending motion to dismiss is **DENIED**, but without prejudice to later revisitation of the arguments set out therein if appropriate. The matter is **REMANDED** for further proceedings consistent with this order.

By the Court:

Maria R. Hamilton, Clerk

cc:

Honorable George A. O'Toole, Jr.  
Robert M. Farrell, Clerk (D. Mass.)  
Kevin Patrick Polansky  
Christine Kingston  
Renee Anna Najda  
Andrew Najda  
Jeffrey S. Patterson